UNITES STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

J.S. and T.S., individually and as Parents and legal guardians of M.S., a minor, Plaintiffs, v. THE STATE OF RHODE ISLAND DEPARTMENT OF EDUCATION, Defendant.	)))))))))))	C.A. No. 16-CV-00416

J.S. and T.S. Individually and as Parents and Legal Guardians of M.S., a minor Plaintiffs, v. THE STATE OF RHODE ISLAND DEPARTMENT OF EDUCATION, AND THE WESTERLY SCHOOL DISTRICT AND WESTERLY PUBLIC SCHOOLS Defendants.	))))))))))))	C.A. No. 16-CV-00496

ANSWER TO COMPLAINT

Now comes the Westerly Public Schools and the Westerly School Committee ("Defendants") and hereby submit the following Answer to the within matter:

1. Neither admit nor deny, inasmuch as Paragraph 1 is not a factual allegation, but rather, a legal characterization of Plaintiff's Complaint.

2. Admit as to the parties. Find characterization of sibling irrelevant to Complaint.

3. Neither admit nor deny, inasmuch as Paragraph 3 is not a factual allegation, but rather, a legal characterization of Plaintiff’s Complaint.

4. Neither admit nor deny, inasmuch as Paragraph 4 is not a factual allegation, but rather, a legal characterization of Plaintiff’s Complaint.

5. Neither admit nor deny, inasmuch as Paragraph 5 is not a factual allegation, but rather, a legal characterization of Plaintiff’s Complaint.

6. Neither admit nor deny, inasmuch as Paragraph 6 is not a factual allegation, but rather, a legal characterization of Plaintiff’s Complaint.

7. Agree that Plaintiffs are the parents of the Student.

8. Neither admit nor deny.

9. Agree that student has a 504 plan.

10. Neither admit nor deny.

11. Admit.

12. Admit that meeting was scheduled.

13. Neither admit nor deny when plaintiff received notices from the Defendant.

14. Admit that Plaintiff sent Defendant an email.

15. Admit.

16. Neither admit nor deny.

17. Neither admit nor deny.

18. Deny.

19. Admit – Psychologist was not required to raise any concerns.

20. Admit because questioning was not necessary.

21. Admit that Director did propose that District conduct its own evaluations.

22. Neither admit nor deny.

23. Neither admit nor deny.

24. Neither admit nor deny. Meeting ended with District requesting parents sign a release for the District to conduct its own evaluations.

25. Neither admit nor deny because statement is not relevant to the Plaintiff's Complaint.

26. Neither admit nor deny because statement is not relevant to Plaintiff's Complaint.

27. Neither admit nor deny because statement is not relevant to Plaintiff's Complaint.

28. Neither admit nor deny because statement is not relevant to Plaintiff's Complaint.

29. Neither admit nor deny because statement is not relevant to Plaintiff's Complaint.

30. Admit.

31. Neither admit nor deny, inasmuch as Paragraph 31 is not a factual allegation, but rather, a legal characterization of Plaintiff's Complaint.

32. Deny.

33. Neither admit nor deny because questioning of independent evaluations is not necessary.

34. Deny.

35. Admit.

36. Admit as to what Complaint alleged.

37. Admit Parent Input and Concerns for Consideration was included. Deny content of document.

38. Deny.

39. Deny.

40. Neither admit nor deny what Parents' input included.

41. Admit.

42. Admit.

43. Admit.

44. Neither admit nor deny, inasmuch as Paragraph 44 is not a factual allegation, but rather, a legal characterization of Plaintiff's Complaint.

45. Deny.

46. Admit.

47. Admit.

48. Admit.

49. Admit.

50. Neither admit nor deny.

51. Neither admit nor deny.

52. Admit.

53. Admit.

54. Admit that Defendant's counsel argued that Complaint should be dismissed.

55. Admit.

56. Admit.

57. Admit.

58. Admit.

59. Neither admit nor deny.

60. Neither admit nor deny.

61. Admit.

62. Admit that hearing officer issued a decision.

63. Admit.

64. Neither admit nor deny.

65. Admit.

66. Deny.

67. Deny.

68. Neither admit nor deny.

69. Admit that that Defendant sent correspondence and releases to Plaintiff's counsel.

70. Admit.

71. Deny.

72. Deny.

73. Deny.

74. Neither admit nor deny.

75. Admit that it included letter sent to Plaintiff's counsel.

76. Neither admit nor deny.

77. Admit.

78. Admit.

79. Neither admit nor deny. Defendant has no knowledge of why Plaintiff's counsel questioned the "status of the hearing".

80. Neither admit nor deny what hearing officer communicated to Plaintiff's counsel.

81. Neither admit nor deny as being not relevant to present Complaint.

82. Neither admit nor deny.

83. Neither admit nor deny.

84. Neither admit nor deny.

85. Deny.

86. Neither admit nor deny.

87. Neither admit nor deny. Defendant has no knowledge of what Hearing Officer said he would provide to Plaintiff. Furthermore, since Defendant was not present there could be no hearing.

88. Neither admit nor deny.

89. Deny as to the calculation of the dates.

90. Admit as to content of correspondence.

91. Admit.

92. Neither admit nor deny.

93. Neither admit nor deny.

94. Neither admit nor deny.

95. Admit.

96. Deny.

97. Admit as to contents of letter.

98. Admit as to contents of letter.

99. Deny.

100. Deny.

101. Deny.

102. Deny.

103. Deny.

104. Admit as to Parent’s testimony.

105. Admit that Parent was the only witness to testify.

106. Deny.

107. Admit.

108. Deny.

109. Admit.

110. Admit.

111. Admit.

112. Admit.

113. Deny.

114. Admit.

115. Deny.

116. Deny.

117. Deny.

118. Deny.

119. Admit that Plaintiffs are filing a timely appeal.

120. Neither admit nor deny.

121. Deny.

122. Deny.

123. Deny.

124. Deny.

Wherefore Defendants request that this Court deny Plaintiff's Complaint and affirm the Decision of the Hearing Officer and enter Judgment on behalf of the Defendants and that Plaintiff's Complaint be denied and dismissed.

Respectfully submitted,

THE WESTERLY PUBLIC SCHOOLS and
THE WESTERLY SCHOOL COMMITTEE
SCHOOL COMMITTEE,

By their attorney:

/s/ Mary Ann Carroll
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CERTIFICATION

This is to certify that a copy of the foregoing Answer was filed electronically to the following parties on this 19th day of October, 2016. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

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/s /Mary Ann Carroll